

Steven Tepera

From: Steve T Watson [swatson@lostkeytelecom.com]
Sent: Friday, September 07, 2007 4:35 PM
To: Malish, Chris
Cc: BBolinger@dpiteleconnect.com; Steven Tepera
Subject: FW: Update Connection Fee Waiver and Status of other qualified promotional payments

RE: dPi; BellSouth FL; discovery from BellSouth - still no mention of the two paying features as a qualification for LCCW.

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Wednesday, February 02, 2005 10:07 AM
To: Chris Watson; Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson
Subject: RE: Update Connection Fee Waiver and Status of other qualified promotional payments

Chris,

Please find attached letter regarding "reacquisition or winover customers." Promotions with this wording include Line Connection Fee Waiver, 1FR + 2 Free Features and \$5 Complete Choice Discount. If you have any questions, please let me know. Thanks.

Kristy

-----Original Message-----

From: Chris Watson [mailto:cwatson@lostkeytelecom.com]
Sent: Wednesday, January 26, 2005 3:47 PM
To: Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson; Seagle, Kristy
Subject: Update Connection Fee Waiver and Status of other qualified promotional payments

Jim,

Good Afternoon! What is the status of the "Line Connection Fee Waiver Promotion"? We also have not been seeing any credits in regards to other promotions. We have several promotions that are extremely late in regards to being paid from Bellsouth according to your Interconnection Website Guidelines. These promotions are outside of the scope of the "Line Connection Fee Waiver" and they are well over 100 days outstanding. We should be getting a consistent flow of credits and these have had absolutely zero movement. I appreciate your prompt attention to this matter.

Thank you,

Chris S. Watson

dPi

FL-5

P.O. Box 34474

Pensacola, FL 32507

1.888.259.6057(Toll Free)

1.678.528.6692

1.678.388.9866(Fax)

1.850.698.6825(Mobile)

cwatson@lostkeytelecom.com

From: Maziarz, Jim [mailto:Jim.Maziarz@BellSouth.com]
Sent: Monday, December 06, 2004 10:30 AM
To: Chris Watson
Cc: Steve Watson; Paul Watson; Stephanie Watson; Seagle, Kristy
Subject: RE: 2nd Try

Chris,

I understand from talking with Kristy Seagle that the outstanding issues you reference are items that she is running through BellSouth's Legal department. She informs me that those items will not be resolved until the first of the year. Therefore, after the first of the year, we can schedule a time to meet. BellSouth will contact you the week of 1/3/05 to provide a status with the goal of also setting a meeting date and time.

Regards,

Jim Maziarz

-----Original Message-----

From: Chris Watson [mailto:cwatson@lostkeytelecom.com]
Sent: Friday, December 03, 2004 9:07 AM
To: Maziarz, Jim
Cc: Steve Watson; Paul Watson; Stephanie Watson
Subject: 2nd Try

Jim,

Good Morning! I hope you had a great Thanksgiving! We need to schedule a time to meet and discuss the outstanding promotional credits for several of Lost Key Telecom clients. I believe you had a meeting last week and there where several action items that you where working on. Please let me know when would be the best day to get together.

Thanks,

Chris Watson



Chris S. Watson

P.O. Box 34474

Pensacola, FL 32507

1.888.259.6057(Toll Free)

1.678.528.6692

1.678.388.9866(Fax)

1.850.698.6825(Mobile)

cwatson@lostkeytelecom.com

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February 1, 2005

Mr. Chris Watson
Lost Key Telecom
P. O. Box 34474
Pensacola, FL

Dear Chris:

This is in response to your e-mail dated December 7, 2004, to Jim Maziarz regarding Lost Key Telecom's concerns for BellSouth's delays in processing promotional credits. Jim asked that I respond to your e-mail.

The BellSouth Start-Up Guide states in Section 17.2.5 "BellSouth will endeavor to apply promotion credits within 30 days of receipt of the promotion credit request." As you know, Lost Key Telecom submitted ten (10) months of disputes for several customers involving four different resale promotions within a 60-day period. BellSouth has made every attempt to verify and process these promotion credits in a timely manner. There have been two factors that have slowed this process: 1) The sheer volume of end user telephone numbers associated with these promotion credits that must be verified, and 2) determining the appropriate eligibility criteria for the "reacquisition or win-over customer." Three of the four promotions applied for by Lost Key for its CLEC customers were for reacquisition or win-over customers.

At a meeting in October 2004, I advised you and Steve Watson that BellSouth was in the process of determining the appropriate eligibility criteria for the "reacquisition or win-over customer" promotions. In that meeting, BellSouth also explained that, due to the volume of promotion credits Lost Key had submitted, the timeline of 30 days was not feasible.

BellSouth has now determined the following appropriate definitions for a "reacquisition and a win-over customer."

In the case of a CLEC applying for resale treatment for a promotion (CLEC A), a reacquisition is defined as an end user who was previously with CLEC A, switched to a competitor (another CLEC or BellSouth) and is returning to CLEC A.

In the case of a CLEC, win-over is defined as an end user who is with another CLEC or BellSouth and is switching to the CLEC applying for resale treatment for the promotion.

The determination for qualification of these promotions is based upon end user telephone number.

BellSouth has begun verifying and processing the promotion credits submitted by Lost Key and will endeavor to have your promotion credits completed by April 1, 2005.

If you have any questions, please call me.

Sincerely,

Kristy Seagle

February 1, 2005

Mr. Chris Watson
Lost Key Telecom
P. O. Box 34474
Pensacola, FL

Dear Chris:

This is in response to your e-mail dated December 7, 2004, to Jim Maziarz regarding Lost Key Telecom's concerns for BellSouth's delays in processing promotional credits. Jim asked that I respond to your e-mail.

The BellSouth Start-Up Guide states in Section 17.2.5 "BellSouth will endeavor to apply promotion credits within 30 days of receipt of the promotion credit request." As you know, Lost Key Telecom submitted ten (10) months of disputes for several customers involving four different resale promotions within a 60-day period. BellSouth has made every attempt to verify and process these promotion credits in a timely manner. There have been two factors that have slowed this process: 1) The sheer volume of end user telephone numbers associated with these promotion credits that must be verified, and 2) determining the appropriate eligibility criteria for the "reacquisition or win-over customer." Three of the four promotions applied for by Lost Key for its CLEC customers were for reacquisition or win-over customers.

At a meeting in October 2004, I advised you and Steve Watson that BellSouth was in the process of determining the appropriate eligibility criteria for the "reacquisition or win-over customer" promotions. In that meeting, BellSouth also explained that, due to the volume of promotion credits Lost Key had submitted, the timeline of 30 days was not feasible.

BellSouth has now determined the following appropriate definitions for a "reacquisition and a win-over customer."

In the case of a CLEC applying for resale treatment for a promotion (CLEC A), a reacquisition is defined as an end user who was previously with CLEC A, switched to a competitor (another CLEC or BellSouth) and is returning to CLEC A.

In the case of a CLEC, win-over is defined as an end user who is with another CLEC or BellSouth and is switching to the CLEC applying for resale treatment for the promotion.

The determination for qualification of these promotions is based upon end user telephone number.

BellSouth has begun verifying and processing the promotion credits submitted by Lost Key and will endeavor to have your promotion credits completed by April 1, 2005.

If you have any questions, please call me.

Sincerely,

Kristy Seagle

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Wednesday, April 20, 2005 8:07 AM
To: Chris Watson
Cc: Steve Watson
Subject: FW: dPi Teleconnect
Importance: High

Any help with a response?

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Tuesday, April 19, 2005 10:37 AM
To: Bolinger, Brian
Cc: Maziarz, Jim; Allen, Advernall; Patterson, Gary D; Seube, Louis
Subject: RE: dPi Teleconnect

Dear Mr. Bolinger:

This is in response to your emails dated April 11 and April 14, 2005, regarding the eligibility of USOCs BCR (Call Return, denial of per use), BRD (Repeat Dialing, denial of per use) and HBG (Call Tracing, denial of per activation) as Touchstar features in the Line Connection Charge Waiver promotion.

The Line Connection Charge Waiver promotion as set forth in the BellSouth A2.10 tariff states "The customer must switch their local service to BellSouth and purchase any one of the following: Bellsouth Complete Choice plan, BellSouth PreferredPack Plan, or BellSouth basic service and **two** (2) custom calling (or Touchstar service) local features." As you will note in Tariff Section A13.19, entitled Touchstar Service, there is not a charge for BCR, BRD or HBG. Since there is no charge for these three features, they do not qualify as purchased features as required in the Line Connection Charge Waiver promotion. In an effort to ensure parity, BellSouth Resale product management has confirmed that BCR, BRD and HBG do not qualify BellSouth's end users for this promotion as well.

In response to your statement, "Additionally, dPi Teleconnect utilizes the custom calling feature /RCUTWC on each and every order," I mentioned in my email to you on April 14, that RCUTWC cannot be located in the BellSouth USOC database or on any dPi orders we randomly sampled. If you provide an example of an end user account with this USOC, we will research further to determine whether it qualifies for this promotion.

If you have any questions, please contact me.

Kristy Seagle

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Thursday, April 14, 2005 3:48 PM

To: Seagle, Kristy; Bolinger, Brian; Seube, Louis; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect

Kristy:

Thank you for your e-mail. I am a little confused though. Would you please explain what you mean by "retail's consideration of blocks . . ." Please correct me if I am wrong, but it is my understanding that so long as the item is in the BellSouth tariff, it is eligible for the associated promotional credit. Feature blocks such as BRD, BCR and HBG are all defined TouchStar services in BellSouth tariffs.

The amounts in question now all stem from the Line Connection Fee Waiver promotion. I cannot see any other conclusion other than that dPi Teleconnect met the end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar features as defined in the BellSouth's own Tariff and associated Promotion. dPi Teleconnect provisions BRD, BCR and HBG on every order it submits.

With regard to your question of what RCUTWC is, RCUTWC is a custom calling feature that blocks three-way calling.

Again, thank you for your e-mail and I look forward to receiving your answer on Monday.

Cordially,

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seagle, Kristy [mailto:Kristy.Seagle@BellSouth.com]
Sent: Thursday, April 14, 2005 3:24 PM
To: Bolinger, Brian; Seube, Louis; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect

Brian,

I am in the process of validating retail's consideration of blocks on features such as BRD, BCR and HBG. I should have an answer by Monday, April 18. I was not able to find USOC RCUTWC in our database or on a sampling of dPi orders. Do you have an order I could look at to see this USOC? Thank you.

Kristy

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Thursday, April 14, 2005 2:34 PM
To: Seube, Louis; Bolinger, Brian; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R); Seagle, Kristy
Subject: RE: dPi Teleconnect

Louis:

Thank you for the update and additional adjustments. We have yet to receive a response from Ms. Seagle regarding the approximately \$470,000.00 in credits that remain

outstanding.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 ext 4018

-----Original Message-----

From: Seube, Louis [mailto:Louis.Seube@BellSouth.com]
Sent: Thursday, April 14, 2005 2:37 PM
To: Bolinger, Brian; Patterson, Gary D
Cc: Mangina, Leisa G; Kelley, Rod (James R); Seube, Louis; Seagle, Kristy
Subject: RE: dPi Teleconnect

Brian,

Please see the attached file with the additional adjustments that are currently being completed. You will notice that there is an additional \$9,721.67 that will be credited from this spreadsheet. The total amount of both spreadsheets provided is \$243,847.29.

Please call me if you have any questions regarding these credits.

Kristy, do we have a response yet on the remaining credit requests?

Louis Seube
205-714-7400

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]
Sent: Wednesday, April 13, 2005 2:44 PM
To: Seube, Louis; Patterson, Gary D
Cc: Bolinger, Brian; Mangina, Leisa G; Kelley, Rod (James R)
Subject: RE: dPi Teleconnect
Importance: High

Louis:

Thank you for the information. If my math is correct, the total amount posted (or to be posted) is \$234,125.62. This amount differs from Mr. Patterson's e-mail below of \$241,488.13. Do you know why?

Also, we currently show remaining promotional credits outstanding from BellSouth in the amount of \$454,665.24. Any idea when those will be credited?

Again, thanks for the information.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
(972) 488-5500 (ph)
(972) 406-0193 (f)

-----Original Message-----

From: Seube, Louis [mailto:Louis.Seube@BellSouth.com]

Sent: Wednesday, April 13, 2005 1:55 PM

To: Patterson, Gary D

Cc: BBolinger@dpiteleconnect.com; Mangina, Leisa G; Kelley, Rod (James R); Seube, Louis

Subject: RE: dPi Teleconnect

Brian,

Per your request, attached is the spreadsheet detailing when the adjustments posted, or when they will post. There are a few on the list that have yet to post, but the adjustment has been issued. Please let me know if you have any questions about the attached.

Louis Seube
205-714-7400

-----Original Message-----

From: Patterson, Gary D

Sent: Monday, April 11, 2005 1:37 PM

To: Seube, Louis

Subject: FW: dPi Teleconnect

Importance: High

can you answer this question? gp

-----Original Message-----

From: Bolinger, Brian [mailto:BBolinger@dpiteleconnect.com]

Sent: Monday, April 11, 2005 1:21 PM

To: Patterson, Gary D

Subject: RE: dPi Teleconnect

Importance: High

Mr. Patterson:

We received an account aging as of this morning and the \$241,488.13 credit was not reflect on any account. I was under the impression that since the adjustments were completed as of last Wednesday, our current aging would show the adjustment. Can you tell me when our accounts will be adjusted accordingly?

Thank you.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@BellSouth.com]
Sent: Monday, April 11, 2005 11:31 AM
To: Bolinger, Brian
Subject: RE: dPi Teleconnect

Advernall is a she. She shortens it to Ad. Her telephone number is 205-977-1059.

-----Original Message-----

From: Bolinger, Brian
[mailto:BBolinger@dpiteleconnect.com]
Sent: Monday, April 11, 2005 11:03 AM
To: Patterson, Gary D; Bolinger, Brian
Cc: Dorwart, David
Subject: RE: dPi Teleconnect
Importance: High

Mr. Patterson:

Thank you for your reply. If you would, please provide me with the contact information for Advernall Allen. I have not had the opportunity to work with him or her yet.

Also, with regard to your previous message stating "dPi Teleconnect did not receive full credit on all submitted requests due to not meeting end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar(r) features as defined in the Tariff Promotion." Please know that dPi Teleconnect disagrees with BellSouth's conclusion for the following reasons:

In accordance with BellSouth's Tariff Promotion, TouchStar Service USOCs include BCR, BRD and HBG. dPi Teleconnect uses each of these USOCs on every order. Additionally, dPi Teleconnect utilizes the custom calling feature /RCUTWC on each and every order. Accordingly, dPi Teleconnect concludes that the \$447,302.73 not paid by BellSouth is in error because dPi Teleconnect meets the end user qualifications of ordering basic local service with 2 custom calling and/or TouchStar features.

Thank you for your attention to this matter and please provide me with the date on

when BellSouth with correct this error.

Cordially,

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@BellSouth.com]
Sent: Monday, April 11, 2005 10:36 AM
To: Bolinger, Brian
Subject: RE: dPi Teleconnect

It would be best to continue to work through Kristy Seagle and Jim Maziar. They actually do the investigation and then advise my employees of the adjustments needed and we actually do the adjustments. We recieved notification of the adjustments needed on Monday April 4, and completed to adjustments by Wednesday. As a reference, Advernell Allen is their Director and she would be a good escalation resource.

I do get involved once that process is completed, so should you desire to escalate further, please feel free to contact me.

Sincerely,

Gary Patterson
OAVP BellSouth Accounts Receivable
Management, BARM
205-714-7357

-----Original Message-----

From: Bolinger, Brian
[mailto:BBolinger@dpiteleconnect.c
Sent: Monday, April 11, 2005 8:23 AM
To: Patterson, Gary D
Subject: RE: dPi Teleconnect

Mr. Patterson:

Thank you for your correspondence. Your prompt response to this matter is appreciated. We will review our submission regarding the Line Connection Fee Waiver and

determine the accuracy of the data.

In the future, is it best to work through you on these matters?

Thank you again.

Brian A. Bolinger
Vice President of Legal Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite 225
Dallas, TX 75234
Office (972) 488-5500 ext. 4018
Fax (972) 406-0193

-----Original Message-----

From: Patterson, Gary D
[mailto:Gary.Patterson2@Be
Sent: Friday, April 08, 2005
5:36 PM
To:
BBolinger@dpiteleconnect.cc
Subject: dPi Teleconnect

April 8, 2005

Mr. Brian Bolinger

Vice President of Legal
Affairs
dPi Teleconnect, LLC
2997 LBJ Freeway, Suite
225
Dallas, TX 75234

Dear Mr. Bolinger:

This is in response to
your email to BellSouth
dated April 8, 2005
regarding resale
promotional credits
claimed to be due to dPi
Teleconnect. We
apologize for the delay in
processing promotional
credits however, I
understand that the
investigation and
processing is now
complete and a credit will
appear on your April
billing. As you stated in

your email, BellSouth began receiving applications for these credits beginning in September 2004. As you know, these credits received in September by BellSouth were for the time period of October 2003 through August 2004. Upon initial investigation of the request, it was determined that it was necessary to further investigate whether the end user qualifications for these promotions were present. BellSouth endeavored to insure parity for our wholesale customers by fully exploring the qualifications from a retail, legal, and regulatory perspective for each promotion.

Based on these defined qualifications, as stated above, your credits have been processed and will appear on your April billing. Please see attached spreadsheet for details of promotional credits given. In summary, the findings are:

*
Secondary Service
Charge Waiver -
dPi Teleconnect
requested
\$12,443.78, and
received credit of
\$12,443.78.
* 1FR +
2 Free Features -
dPi Teleconnect

requested
\$81,600.72, and
received credit of
\$81,600.72.

* Line
Connection
Waiver - 2004 dPi
Teleconnect
requested
\$594,746.36, and
received credit of
\$147,443.63. dPi
Teleconnect did
not receive full
credit on all
submitted requests
due to not meeting
end user
qualifications of
ordering basic
local service with
2 custom calling
and/or TouchStar
(r) features as
defined in the
Tariff Promotion.

BellSouth performed a
random sampling of end
user telephone numbers
provided for each
promotional credit
submission and
determined that your total
credits due are
\$241,488.13.

We appreciate your
patience and willingness
to work with BellSouth to
resolve these issues.
Please contact me with
any questions you have
regarding this matter.

Sincerely,

Gary D. Patterson

OAVP, BARM
(205) 714-7357

<<DPI Credits thru
4_8_05.xls>>

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